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Award of Appellate Court  
(O-41, R 35 CPC) H.C No. 32A  
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IN THE HIGH COURT OF KARNATAKA

CIRCUIT BENCH AT GULBARGA

BEFORE

THE HON'BLE DR. JUSTICE JAWAD RAHIM

MISCELLANEOUS FIRST APPEAL NO.30909 OF 2009 (MV)

BETWEEN:

1. NAGAPPA S/O IRAPPA HANEGAVE,  
AGE:44 YEARS,  
OCC: LABOUR.
2. REKHA W/O IMMANUEL NADUVENODDI,  
AGE:24 YEARS,  
OCC: HOUSE HOLD.
3. SANGEETA W/O SUBHASH  
AGE:23 YEARS,  
OCC: HOUSE HOLD.

ALL R/O KADWAD,  
TQ. & DIST.BIDAR.

...APPELLANTS

AND:

1. BABA MIYAN S/O IBRAHIM SHAIKH  
R/O DEVALGAN GONDA,  
TQ: DAUND  
DIST: PUNE- 411001.  
MAHARASHTRA.  
OWNER OF THE MARUTHI VAN NO.MH-12/P-4181.
2. THE NEW INDIA ASSURANCE CO., LTD.,  
DIVISION OFFICE KARVE ROAD, PUNE  
MAHARASHTRA, THROUGH ITS  
DIVISIONAL MANAGER,



DIVISION OFFICE, S.B.TEMPLE ROAD,  
GULBARGA.

...RESPONDENTS

THIS MISCELLANEOUS FIRST APPEAL PREFERRED AGAINST THE JUDGMENT AND AWARD OF THE COURT OF THE PRL. CIVIL JUDGE (SR.DN.) AND MACT-II AT BIDAR IN MVC NO.205 OF 2006 ON ITS FILE DATED THE 10<sup>TH</sup> DAY OF OCTOBER, 2008 COMING ON FOR ORDERS ON THE 16<sup>TH</sup> DAY OF APRIL, 2013 IN THE PRESENCE OF SMT.ARATI BURKPALLI, ADVOCATE FOR THE APPELLANT AND SMT.SUMITRA.H., ADVOCATE FOR THE RESPONDENT-2, R-1 SERVED.

And for the reasons stated in the Judgment, it is ordered and decreed that the appeal succeeds in part & award of the Tribunal is enhanced from Rs.1,35,200/- (Rupees One lakh thirty five thousand two hundred only) to Rs.7,20,000/- (Rupees Seven lakhs twenty thousand only) which shall carry interest at the rate of 6% as fixed by the Tribunal. The Insurance Company shall discharge the award amount within 8 weeks.

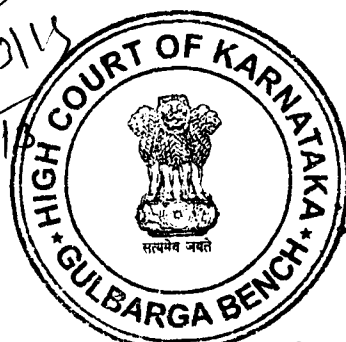
And it is further ordered and decreed that, there shall be no order as to costs in this Appeal.

Given under my hand and the seal of this Court, this the 16<sup>TH</sup> DAY OF APRIL, 2013.

T By :NAH

R By :

C By :



Assistant Registrar  
High Court of Karnataka  
Gulbarga Bench

12/3/14